

FALLBROOK COMMUNITY PLANNING GROUP

And

FALLBROOK DESIGN REVIEW BOARD

Regular Meeting

Monday 16 January 2012, 7:00 P.M., Live Oak School, 1978 Reche Road, Fallbrook

MINUTES

The meeting was called to order at 7:00 p.m. by Jim Russell.

Fourteen (14) members were present: Anne Burdick, Eileen Delaney, Donna Gebhart, Jackie Heyneman, Ron Miller, Roy Moosa, Ike Perez, Jim Russell, Jean Dooley, Tom Harrington, Steve Smith, Harry Christiansen, Michele Bain and Jack Wood. Chuck Sanacore was excused.

1. Open Forum. Opportunity for members of the public to speak to the Planning Group on any subject matter within the Group's jurisdiction but not on today's agenda. Three minute limitation. Non-discussion & Non-voting item.

Mr. Berks addressed the Group about the lack of crosswalks south of Fallbrook Street on Main Street. While there are four crosswalks north of Fallbrook Street on Main, there are none south. He was especially concerned with the Aviation and Main intersection due to the high number of pedestrians crossing that intersection. He offered to paint the cross walks if additional labor was needed. While the issue was not up for discussion, Ms. Burdick stated that she would forward the request to Traffic Advisory Committee for consideration.

2. Approval of the minutes for the meetings of 19 December 2011. Voting item.

Ms. Dooley motioned to approve the minutes and the motion passed with Ms. Bain abstaining.

3. Request from Donald Moore, President of the Fallbrook Villas HOA, (760) 728-2116, for installation of red curb adjacent to two driveways for an apartment complex on Oak Cliff Drive. In response, Traffic Engineering staff determined that 20' of red curbing was required on either side of both driveways for a total red curb of 60 feet. Mr. Moore subsequently requested an appeal of this distance due to the loss of parking spots. Continued at the 19 Dec 2011 meeting. Subsequent discussions between Traffic Engineering and the HOA arrived at the following resolving alternative: the HOA President agreed to sign and mark the leftmost driveway (looking out of the complex) as an "ENTER ONLY" driveway and the rightmost driveway as an "EXIT ONLY" driveway. With this solution, DPW staff, within its existing authority to establish minimum amounts of red curb, is completely satisfied to propose red curb only at the 20' distance located between the two driveways. This parking prohibition will enhance lines-of-sight for the new "EXIT ONLY" driveway.

The TAC is requesting the support of the Fallbrook Planning Group for this alternative. County Staff: Maria Rubio-Lopez, DPW Traffic Engineering, (858) 874-4030. **Circulation Committee.** Community Input. Voting item.

Mr. Moore was not present so Ms. Burdick reported that the County staff had reviewed the sight distance requirements for the apartment complex on Oak Cliff Drive. The County staff felt that if the entrances were controlled (marked for entry on the east driveway and exit on the west driveway) only the 20' curb between the driveways would need to be parking restricted to provide adequate sight distance.

Ms. Burdick motioned to approve the recommendation and adopt the parking restriction and the motion passed unanimously.

4. Response to a request from Devon Muto, Chief, Department of Planning and Land Use on the Red Tape Reduction Task Force Report and Recommendations. **Land Use Committee.** Community input. Voting item.

Earlier this year, the County Board of Supervisors formed a Red Tape Reduction Task Force to examine the land development permitting process and identify opportunities for operational improvements that would result in more efficient permit processing. This independent Task Force held several meetings and prepared a report with a series of recommendations that was presented by the Task Force to the Board of Supervisors on December 7, 2011. At the December 7th hearing, the Board directed immediate implementation of a subset of the recommendations. For the remainder of the recommendations, the Board directed staff to evaluate the implementation of these remaining recommendations and return to the Board on February 29, 2012.

One of the recommendations that staff will be analyzing relates to the structure of Community Planning and Sponsor Groups. The recommendation from the Red Tape Reduction Task Force contains two options for the Board (see recommendation #9 beginning on Page 7 of the attached report). Staff is accepting comments on this and the other Task Force recommendations to be included in the report back to the Board. Comments are requested by January 31, 2012. Please forward all of your comments to Marcus Lubich by mail to the address above or at Marcus.Lubich@sdcounty.ca.gov<mailto:Marcus.Lubich@sdcounty.ca.gov>. You may also phone Marcus Lubich with any questions at 858-694-8847.

Mr. Russell outlined the subject and asked for the Land Use Committee response. Mr. Moosa read the response to the Red Tape Committee's recommendation to eliminate Planning Groups:

On December 7, 2011 in a report presented to the San Diego County Board of Supervisors, an appointed Red Tape Reduction Task Force stated that Community Planning Groups ***"provide value to a community"***.

In that same report, the Task Force observed that *"the actions of some CPG members have evolved from acting in an advisory role to the County, into one of direct negotiation with project applicants"*. The report states that this behavior has led to *"significant delays in the county permitting process"*. It was also mentioned that Planning Groups *"create additional oversight responsibilities for the County and can create potential liabilities if a member or members were not to file an adequate disclosure or inappropriately vote on a particular project"*.

Because of this, the Task Force made two recommendations to the Board, the first of which was to remove Community Planning Groups from under the county's umbrella; effectively disbanding them completely.

The suggestion that the current twenty six community planning groups be disbanded because of the actions of "some" members completely ignores the problem and does not address possible solutions. The suggestion also implies that the actions of a few non-compliant members coupled with insurance liability requirements outweigh any benefit of local representation the Planning Groups provide.

The parameters that fall within the responsibilities of a Planning Group Member are clear. If the member does not adhere to those guidelines then his actions should be addressed.

The solution is enforcement; not dissolution.

As for liability concerns, the county states that *since 1999 the twenty six Planning Groups have cost \$58,147 in legal expenses*. This equals roughly to \$172.00 per year per Planning Group...a negligible amount.

Planning Groups were formed by the county over four decades ago to fulfill a specific need. According to policy I1-A the purpose was *"to encourage a high level of citizen participation in the community planning process"*. I1- A also states that *"local planning is more responsive to local needs if there is a high level of citizen participation in the planning process."*

It is hoped that the county's goal to be responsive to local needs has not lost its relevancy.

Since its inception, the Fallbrook Community Planning Group, through its dedicated member/volunteers, has steadfastly fulfilled its mission by representing the citizens of Fallbrook. It has provided input to the county regarding numerous community concerns including recent issues dealing with the Highway 76 alignment, the Liberty Quarry, and the local issue of land being transferred into Indians Trusts. The Planning Group is the only local representative form of government that the citizens of Fallbrook have. Without it, decisions affecting Fallbrook would be determined by those who work and live elsewhere and are unfamiliar with the needs of the area. It would be as improper as Fallbrook residents making decisions about what's best for the residents of Kearny Mesa.

(Revised 1/16/12)

If the proposal to disband Planning Groups is not approved, then the Task Force recommends several recommendations including following:

1. *Limit the scope of their review to the preparation and amendment of the General Plan and Community Plan and the PPP as described below.*
2. *Staff each CPG meeting with a senior level planner and County Counsel.*
3. *Institute term limits on CPG members to a maximum of two, two-year terms, in a ten year period.*
4. *Revise the Fee Ordinance to clarify that CPG's no longer receive free appeals to the Board of Supervisors.*

The recommendation to limit the scope of Planning Groups does not address the issue at hand. Enforcing the existing scope of Planning Groups does address the issue. Planning Groups are advisory and should remain as such. If some group members have exceeded their bounds it's because they have been allowed to do so.

The recommendation to staff each meeting with a County Planner and County Counsel will lead to exorbitant costs to the taxpayer and would not be necessary if Planning Group Guidelines were clearly enforced. Currently the county states that it spends approximately \$375,000 per year on community group support. This roughly adds up to approximately \$14, 423 per year for each of the twenty six planning groups. Even when the average election cost of \$4742 per year is added to this figure, totaling \$19,165 per year, the cost of a County Planner and County Counsel attending each of the 26 planning group monthly night meetings would far exceed this amount. The cost of Planning Groups to the county is negligible when compared to the options presented.

Since the Planning Group positions are voluntary and the members not specialists, it takes several years to obtain knowledge and experience. The recommendation of limiting Planning Group members with two, two-year terms in a ten year period would eliminate Planning Group effectiveness by insuring that members would not gain enough experience to be seasoned in the varied aspects of the planning process. Few if any members would be able to follow through from start to finish on large development projects, most of which last longer than two years. The two year term limits are also not relevant when addressing the issue of costs or local representation. If a Planning Group member is elected by the constituents of a community then it is apparent that the member represents the citizens of the community. If the community feels that he does not represent them, then he will not be re-elected. Term limits seem to be the County's method of eliminating an unruly Planning member rather than addressing the problems associated with that member. Term limits are completely contradictory to the county's often-stated desire to have community representation.

Regarding the appeals process, Planning Groups represent the citizens of their area. The loss of the Planning Group appeals process muffles the voice of the people while giving the advantage of a megaphone to the voice of a developer.

All in all, the Task Force determinations regarding Community Planning Groups appear to be generated by the actions of a few; however, the recommendations suggested have sweeping affects on many and will be a

major setback for local representation. As stated by the North County Times in an editorial dated, January 12, 2012:

“It was largely the refusal of the county to take into account local sentiment that led the formerly unincorporated communities of Olivenhein, Cardiff, Leucadia, New Encinitas and Old Encinitas to band together and form the city of Encinitas.

Should the county repeat that mistake today, it would be not at all surprising to see cityhood campaigns spring up across the county.”

The real solution is to clearly deal with the specific problem and not to eliminate a program that has proven its value to the citizens it represents.

The specific suggestions we would offer are:

- 1. Create a job description for incoming Planning Group members clearly defining their responsibilities, scope, and parameters.**
- 2. Implement a training session with County Counsel and Senior DPLU staff for each individual Planning Group rather than one large combined county-wide gathering. This will allow planning members the freedom to ask questions pertinent to their area and would prevent a single Planning Group from dominating the combined training sessions as has occurred in the past.**
- 3. Request that each member sign an agreement verifying that they understand their responsibilities and parameters and agree that if these are not followed, they may be removed from their position.**

The key to alleviating county concerns and to creating more effective Planning Groups is detailed training and policy enforcement. By implementing this approach, the county will succeed in preserving an institution that was formed to fulfill a goal that still exists: being responsive to local needs.

*Submitted,
Roy Moosa
1/18/12*

Additionally the Planning Group had been asked to respond to the other recommendations in the report. Again Mr. Moosa read the response.

Comments on RED TAPE REDUCTION TASK FORCE Report to the Board of Supervisors

Page One.

December 7, 2011

On April 13, 2011, the Board of Supervisors adopted a resolution establishing the Red Tape Reduction Task Force. Membership of the Task Force consists of seven, Board-appointed members of the public with various experiences in land use or land development.

The purpose of the Task Force was to evaluate the land development permitting process and identify any areas for improvement that would reduce both the time and costs associated with obtaining a permit.

COMMENT:

If the development permitting process is to truly be evaluated, input should also be received by those who are not experienced in land use or land development. If the procedures can be streamlined for those individuals, then they will be streamlined for everyone else. To have the process evaluated by those who have land use and development experience leads one to believe that the evaluation is being done only by developers or staff. That being the case, it's only natural that the evaluators would want to develop procedures that will streamline the passing through of projects, which are their livelihood or make one's job easier. Eliminating the hassle of dealing with a Planning Group would be one of those streamlining steps that developers and staff would favor but it would not be favored by local citizens.

Mission Statement

Objectives:

- *Reduce time required to process discretionary land use permits*
- *Reduce costs associated with processing discretionary land use permits*

COMMENT:

The main solution to reduce time and cost is to provide the applicant with an updated project checklist and the Design Guidelines along with the applicable Community Plan at the point of application. This would inform the applicant of the process and what to expect. So many times an applicant has to return over and over again because they developed a project without being aware of the steps or design and general plan guidelines.

Page Two.

Starting with the second meeting on May 4, 2011, the Task Force met every two weeks for a total of 16 meetings. In each of those meetings, the Task Force took public testimony from interested members of the public related to discretionary permit processing.

COMMENT:

Prior to this meeting, a questionnaire should have been sent out to those who went through the permit process in recent months. Their input on what worked and what didn't would have been invaluable. It is common knowledge that those who are aware of and attend public testimony meetings are those who usually have a grievance and are incensed enough to air a complaint. Those who have less passionate input such as efficiency or cost cutting suggestions tend not to take the time to show up.

Page Three.

Findings and Recommendations

After identifying the most significant and frequently stated concerns, interviewing staff from several departments involved with discretionary permitting, reviewing existing policies and procedures and reviewing the Service First Initiative, the Task Force was able to make the following findings and recommendations for consideration by the Board of Supervisors:

COMMENT:

More important than interviewing staff would have been to have someone stand out in the lobby with a clip board and interview applicants. That's where customer service input is most valuable.

1. Procedures/Training Finding:

- *DPLU has developed procedures for processing nearly every type of discretionary permit. While this is commendable and the procedures provide written guidance for planning staff, they often contain additional steps that are not necessary for a specific project. For example, in interviewing DPLU staff, the Task Force learned that the more experienced planners skip unnecessary steps to get through the process faster.*

Recommendations:

- *Implement ongoing and consistent staff training to enable planners to recognize unnecessary steps.*

- *Establish an ongoing training and mentoring program for employees. (8.1)1*

COMMENT:

Rather than train staff to recognize unnecessary steps, why not recognize and eliminate the steps if they are in fact “unnecessary”. Also isn’t it the job of management to evaluate staff performance and insure that unnecessary steps are avoided?

Page Four.

Recommendations:

- *Customer service must be a top priority in the land development permitting process. (1)*

COMMENT:

If this is truly a goal, then it is the customer who needs to be asked for their suggestions. This would include not only repeat developers but also one-time project customers like home owners. Current policies like not being open during lunch hour or not answering phones during certain business hours would be some customer service issues to address.

Create a program manager level position to function as a problem-solver or troubleshooter. (10.7)

COMMENT:

If staff does its job properly, this would be unnecessary. It is the job of staff to be problem solvers and trouble shooters. This is another expense that is initiated to oversee a problem rather than solve the problem itself.

Page Five.

Look for ways to provide additional performance incentives for staff recognition (e.g., processing a project quickly and taking it to a decision-making body).

COMMENT:

This implies that taking short cuts and hurrying a project through will receive rewards. Processing a project quickly and efficiently should be standard procedure. . To reward someone for doing their job seems ludicrous. If proper and efficient procedures are followed, then the project should be processed quickly and efficiently.

5. Land Use Jurisdictions Finding:

- *The County currently requires approvals from other jurisdictions or agencies on land use matters as a condition of approval for a project. In some cases, this places an unreasonable burden on the applicant as they become de facto arbiter between the County and another jurisdiction or agency.*

Recommendation:

- *Do not require approvals from other local land use jurisdictions during project processing or in project conditioning.*

COMMENT:

Does this include eliminating the safety related input from jurisdictions dealing with water and fire issues? Since the county approved a General Plan along with various community plans, the job of local land jurisdictions and the county is to make sure that those approved plans are followed. Approval or input from local agencies is essential if the county is to adhere to its prior commitments and to truly represent the constituents who live in that region.

Page 7.

The Board of Supervisors should appoint an external “Audit Committee” to review the performance of the departments involved with development review permitting against the recommendations in the Service First Initiative and this report. The “Audit Committee” should be comprised of members of the public with experience in land use and land development.

The "Audit "Committee" shall meet two or three times per year and report their findings and any follow-up recommendations back to the Board of Supervisors.

COMMENT:

This is another additional expense. Reviewing the performance of all departments is the job of management. A suggestion box in the lobby to obtain public opinion would help as would a questionnaire passed out to those at the end of a permit process.

...the actions of some CPG members have evolved from acting in an advisory role to the County, into one of direct negotiation with project applicants, direct requests for technical studies from project applicants or even requests for project amenities that may be beyond the required nexus for a particular project.

COMMENT:

See separate letter written regarding this comment.

Page 11.

In reviewing the draft of the proposed, new residential design guidelines as circulated by DPLU, the guidelines appear to be duplicative and overreaching as they go beyond design issues.

Recommendation:

• **Do not adopt the additional, new residential design guidelines as currently proposed.**

COMMENT:

If the guidelines are duplicative and overreaching, then those specific areas should be addressed and corrected. To throw out the entire work implies that it had no value to begin with, at which point, one would have to question how much the development of this seemingly useless project has cost the taxpayer and who commissioned it.

*Submitted,
Roy Moosa
1/17/11*

Planning Group members had some additional details for the responses and those were incorporated into the report. After discussion from the public and the Planning Group, Mr. Wood motioned to approve the two letters with the inclusion of the additional responses and the motion passed unanimously.

5. Request for waiver of the site plan requirements for a new DMV license for used car dealer to replace existing used car dealership at 131 W. Fallbrook Street, APN 104-063-04-00. Owner Julio Pineda, 760-469-1718. County planner Debra Frischer 8580495-5201, debra.frischer@sdcounty.ca.gov. **Design Review Committee.** Community input. Voting item.

The applicant was not present. Ms. Delaney reported that the applicant had not attended the Committee meeting either. Additionally the property had a waiver for the previous use. Yet currently the building had been painted in violation of the previous waiver. In light of the current violation, Ms. Delaney motioned to deny an additional waiver and the motion passed unanimously.

6. Request for waiver of the site plan requirements for an existing Patio Cover for an existing restaurant located at 121 N. Pico (103-263-23). Owner Jonathan Arbel, 619-665-3053. Contact person George Easton, 760-731-9700, gleaston@ad.com. County planner Debra Frischer 8580495-5201, debra.frischer@sdcounty.ca.gov. **Design Review Committee**. Community input. Voting item.

The property owner presented the request to approve a patio cover on the business at 121 North Pico. He stated the cover was in place when he purchased the property but the Department of Planning and Land Use was requiring a waiver before approving the project. The property owner stated that he and his wife were going to start a takeout restaurant and local vegetable stand on the site. The County was also requiring additional parking for the businesses (a total of four) and he had acquired two additional spaces from the church across the street. A letter from the Church outlining the parking agreement was a condition of the Design Review Committee's approval. Mr. Christiansen expressed concern about the parking arrangements. After limited discussion, Ms. Delaney motioned to approve the waiver, dependent upon receipt of the letter from the Church, and the motion passed unanimously.

7. Election of Officers; Chair, 1st Vice-chair, 2nd Vice-chair, and Secretary. Voting item.

Mr. Russell turned the meeting over to the Secretary. Mr. Harrington opened the floor for nominations for Chair. Mr. Smith nominated Mr. Russell. Ms. Burdick motioned that the nominations be closed and Mr. Russell be appointed Chair. The motion passed unanimously. Mr. Harrington turned the meeting back over to Mr. Russell.

Mr. Russell opened the floor for nominations for 1st Vice Chair. Ms. Heyneman nominated Mr. Wood. Ms. Delaney motioned that the nominations be closed and Mr. Wood be appointed 1st Vice Chair. The motion passed unanimously.

Mr. Russell opened the floor for nominations for 2nd Vice Chair. Mr. Perez nominated Mr. Moosa and Mr. Harrington nominated Ms. Delaney. Mr. Wood motioned that the nominations be closed. Mr. Russell requested a show of hands for those who approved the nomination of Ms. Delaney and due to a majority of the Group approving of Ms. Delaney's nomination, Mr. Russell declared Ms. Delaney appointed as 2nd Vice Chair.

Mr. Russell opened the floor for nominations for Secretary. Ms. Delaney nominated Mr. Harrington. Ms. Burdick motioned that the nominations be closed and Mr. Harrington be appointed Secretary. The motion passed unanimously.

8. Request the Board of Supervisors to appoint Paul Schaden to seat #14 to take the place of resigning member Chuck Sanicore. Board of Supervisors Policy I-1 Article II Section IV and the Fallbrook Community Planning Group By-laws Article III Section 3 state, "Vacancies shall be filled from the list of candidates in the most recent election in the order of the number of votes received."

Mr. Russell introduced the item. He stated that Mr. Sanacore had presented a letter of resignation. Per County Board Policy the next highest vote receiving candidate in the general election should be appointed. After limited discussion, a series of votes confirmed the nomination of Mr. Paul Shaden to the vacant position.

9. Presentation by Jeff Elmore 949.660.9128 x1224 jelmore@waremalcomb.com regarding the proposed new McDonald's to be located on an existing property containing a small convenience store at 142 Ammunition Road. **Design Review Committee**. Community input. Non-voting item.

Mr. Elmore presented the latest site plan of the proposed new McDonald's in Fallbrook. The major modifications were extensive landscaping along Ammunition and Main together with the elimination of the entry on Ammunition. Mr. Elmore stated that there would be a 16 foot widening to Main and 6 feet on Ammunition. He also stated that the design team was very close to submitting the project to the County. One concern with the design was the need for a narrow landscape planter along S. Mission directly across from the building to provide for adequate

vehicle access. The Group expressed concern about the circulation around the building and how the drive up traffic would affect it. Also the possible traffic back up on both Mission and Main was a concern. Mr. Elmore stated that the Mission entrance would be a right-in right-out only access and that the modern facility planned would cycle customers so fast that there would never be more than 6 or 7 cars in line at one time. The Group expressed approval of the elimination of the Ammunition driveway and advised the design team to work with Ms. Heyneman on plant selection in the landscape areas. Mr. Christiansen expressed continuing concern about the traffic impacts on such a major intersection and requested that the item come before the Circulation Committee when it returns to the Planning Group for formal approval. Mr. Elmore agreed to make presentations at both the Design Review Committee and the Circulation Committee. Mr. Russell thanked Mr. Elmore for the presentation.

10. Support the San Diego County Traffic Advisory Committee's request to radar recertify Burma Road from Olive Hill Road to Luneta Lane (0.6 miles). Preliminary review of prevailing speeds and roadway conditions support radar recertification for the existing 45 MPH speed limit.
Community input. Voting item,

Ms. Burdick introduced the issue. The County Traffic Advisory Council had requested the Planning Group's concurrence on recertifying the 45 mile per hour speed limit on Burma Road from Luneta to Olive Hill Road. After limited discussion, Ms. Burdick motioned to approve the request and the motion passed unanimously.

The meeting was adjourned at 8:55 p.m.
Tom Harrington, secretary.